



# Journal of the Senate

State of Indiana

116th General Assembly

First Regular Session

**Eighth Meeting Day**

**Tuesday Afternoon**

**January 20, 2009**

The Senate convened at 2:22 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Gregory F. Walker.

The Pledge of Allegiance to the Flag was led by Senator Walker.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Merritt
Boots	Miller
Bray	Mishler
Breaux <input type="checkbox"/>	Mrvan
Broden <input type="checkbox"/>	Nugent
Buck	Paul
Charbonneau	Randolph <input type="checkbox"/>
Deig	Rogers <input type="checkbox"/>
Delph	Simpson <input type="checkbox"/>
Dillon	Sipes <input type="checkbox"/>
Errington <input type="checkbox"/>	Skinner
Gard	Steele
Head	Stutzman
Hershman	Tallian <input type="checkbox"/>
Holdman	Taylor
Hume <input type="checkbox"/>	Walker
Kenley	Waltz
Kruse	Waterman <input type="checkbox"/>
Lanane <input type="checkbox"/>	Wyss
Landske	Yoder <input type="checkbox"/>
Lawson	M. Young
Leising	R. Young
Lewis	Zakas

Roll Call 8: present 38; excused 12. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

**SB 556** — Errington (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**SB 557** — Errington (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning

insurance.

**SB 558** — Wyss (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**SB 559** — Kruse (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**SB 560** — Kruse (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**SB 561** — Hershman (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 562** — Alting (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**SB 563** — Breaux (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

**SB 564** — Breaux (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 565** — Breaux (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 566** — Breaux (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 567** — Breaux (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**SB 568** — Breaux (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 569** — Breaux (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**SB 570** — Breaux (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 571 — Paul (Insurance and Financial Institutions)**

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

**SB 572 — Paul (Insurance and Financial Institutions)**

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**SB 573 — Boots (Judiciary)**

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**SB 574 — Dillon (Health and Provider Services)**

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 575 — Dillon (Health and Provider Services)**

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**SB 576 — Taylor (Corrections, Criminal, and Civil Matters)**

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 577 — Taylor (Judiciary)**

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

**SB 578 — Taylor (Education and Career Development)**

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 579 — M. Young (Elections)**

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 580 — Delph (Pensions and Labor)**

A BILL FOR AN ACT to amend the Indiana Code concerning immigration and to make an appropriation.

**SB 581 — Mishler (Appropriations)**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 582 — Mishler (Elections)**

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 583 — Errington (Health and Provider Services)**

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-38 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

#### Chapter 38. Net Metering

Sec. 1. As used in this chapter, "customer" means a person, a firm, a corporation, a municipality, or any other government agency that has agreed to pay for retail electric service from an investor owned utility.

Sec. 2. As used in this chapter, "eligible net metering customer" means a customer in good standing that owns and operates a net metering facility that has a nameplate capacity less than or equal to one hundred (100) kilowatts.

Sec. 3. As used in this chapter, "in good standing" means a customer:

- (1) whose account is not more than thirty (30) days in arrears; and
- (2) who does not have any legal orders outstanding pertaining to the customer's investor owned electric utility.

Sec. 4. As used in this chapter, "interconnected" or "interconnection" means the physical, parallel connection of a net metering facility with a distribution facility of an investor owned electric utility.

Sec. 5. As used in this chapter, "investor owned electric utility" or "utility" means an electric utility that is financed by the sale of securities and whose business operations are overseen by a board representing the shareholders of the electric utility.

Sec. 6. As used in this chapter, "nameplate capacity" means the full load, continuous rating of a generator under specified conditions as designated by the manufacturer.

Sec. 7. As used in this chapter, "net metering" means the measurement of the difference between:

- (1) the electricity that an investor owned electric utility supplies to an eligible net metering customer; and
- (2) the electricity that an eligible net metering customer supplies back to the investor owned electric utility.

Sec. 8. As used in this chapter, "net metering facility" means an arrangement of equipment that is:

- (1) used for the production of electricity from a renewable energy resource (as defined in IC 8-1-8.8-10);
- (2) owned and operated by an eligible net metering customer;
- (3) located on the eligible net metering customer's premises; and
- (4) used primarily to offset all or part of the eligible net metering customer's own electricity requirements.

Sec. 9. As used in this chapter, "parallel" means the designed operation of the net metering facility, interconnection equipment, and the investor owned electric utility's system where the instantaneous flow of electrical energy may automatically occur in either direction across the interconnection point between the net metering facility and

the electrical utility's distribution system.

**Sec. 10. (a) An investor owned electric utility shall offer net metering to eligible net metering customers that install a net metering facility.**

**(b) An investor owned electric utility may offer net metering to customers other than eligible net metering customers.**

**(c) An investor owned electric utility that offers net metering to its customers may limit the total amount of net metering facility nameplate capacity under the net metering tariff to one percent (1%) of the most recent summer peak load of the utility.**

**Sec. 11. An investor owned electric utility shall determine an eligible net metering customer's monthly bill as follows:**

**(1) Bill charges, credits, rates, and adjustments must be in accordance with the utility's tariff and administrative rules that would apply if the eligible net metering customer did not participate in net metering.**

**(2) If the amount of electricity generated during a billing cycle by the net metering customer and delivered to the electric utility is less than the amount of electricity delivered during the same billing cycle by the electric utility to the net metering customer, the electric utility shall bill the net metering customer for the difference between the amounts at the applicable rate under the tariff filed by the electric utility with the commission.**

**(3) If the amount of electricity generated during a billing cycle by the net metering customer and delivered to the electric utility exceeds the amount of electricity delivered during the same billing cycle by the electric utility to the net metering customer, the electric utility shall credit the difference between the amounts, measured in kilowatt hours, to the net metering customer in the next billing cycle.**

**(4) If an eligible net metering customer becomes ineligible or otherwise stops participating in an investor owned electric utility's net metering tariff, any remaining credit determined under subdivision (3) reverts to the utility.**

**Sec. 12. A rule that is:**

**(1) adopted by the commission and codified at 170 IAC 4-4.2; and**

**(2) contrary to this chapter;**

**is void.**

(Reference is to SB 300 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Utilities and Technology.

LONG, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The committee appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of

Representatives to deliver his message to the General Assembly begs leave to report that it has performed the duties assigned to it.

KENLEY, Chair  
WYSS

ERRINGTON  
TAYLOR

Committee of the Senate

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 27, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 1, line 8, strike "educational technology".

Page 1, line 9, strike "program and".

Page 1, line 9, delete "the".

Page 1, line 10, reset in roman "is".

Page 1, line 10, delete "are".

Page 1, line 10, strike "provide and".

Page 1, line 11, after "schools" insert ". **The fund may be used**".

Page 2, line 30, strike "program and".

Page 2, delete lines 31 through 34.

Page 2, line 35, reset in roman "(e)".

Page 2, line 35, delete "(g)".

Page 2, line 36, strike "for the department's use in implementing the program under".

Page 2, line 37, strike "this chapter".

Page 2, line 40, reset in roman "(f)".

Page 2, line 40, delete "(h)".

(Reference is to SB 27 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 8

House Concurrent Resolution 8, sponsored by Senator Delph:

A CONCURRENT RESOLUTION honoring Dr. David L. Shull.

*Whereas, Dr. David L. Shull, Director of School Personnel Services, Metropolitan School District of Wayne Township, has served the children of Indiana tirelessly and with great dedication for 41 years;*

*Whereas, Dr. Shull began his teaching career in 1968;*

*Whereas, Throughout his career, Dr. Shull has served as a teacher, an assistant principal, and a principal;*

*Whereas, On January 16, 2009, Dr. Shull will retire from his duties in Wayne Township;*

*Whereas, Dr. Shull has devoted his life to the betterment of the educational system in Indiana;*

*Whereas, As recognition for his outstanding work and accomplishment, Dr. Shull has received numerous honors and awards, including District 7 Middle School Principal of the Year and the District Human Relations Legacy Award; and*

*Whereas, It is fitting that we give our accolades to Dr. Shull on the completion of a job well done: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly commends Dr. David L. Shull for 41 years of stellar work in the service of the youth of Indiana and extends to him our best wishes for happiness and fulfillment during his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dr. David L. Shull, his wife Susan, son David, and daughters Katie and Leah.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

### House Concurrent Resolution 9

House Concurrent Resolution 9, sponsored by Senator Delph:

A CONCURRENT RESOLUTION honoring Lloyd C. Sanford on the occasion of his 90th birthday.

*Whereas, Born on January 19, 1919, in Springfield, Tennessee, Lloyd C. Sanford served his country honorably and bravely during World War II;*

*Whereas, Lloyd married his beautiful wife, Thelma, on January 26, 1941, and nine months later reported for duty in the U.S. Army Air Corps;*

*Whereas, Lloyd served as a top turret gunner on a B-17 Fortress bomber;*

*Whereas, Reported missing on March 5, 1945, Lloyd was taken prisoner and held at Lucky Strike Prison Camp in Reims, France, until April 28, 1945;*

*Whereas, While being held captive, Lloyd bravely suffered atrocities beyond human endurance;*

*Whereas, Lloyd C. Sanford received two Bronze Stars, one Oak Leaf Cluster, and a Purple Heart in recognition of his bravery in service to his country; and*

*Whereas, Men like Lloyd C. Sanford form the backbone of our nation; they are part of a generation that made the world safe for democracy to thrive: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Lloyd C. Sanford on the occasion of his 90th birthday and thanks him for his service to his country during a time of war.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Lloyd C. Sanford and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

### House Concurrent Resolution 7

House Concurrent Resolution 7, sponsored by Senator Delph:

A CONCURRENT RESOLUTION honoring Thomas L. Langdoc.

*Whereas, Thomas L. Langdoc has served the youth of Wayne Township for more than 40 years;*

*Whereas, Thomas L. Langdoc began his career in education on September 1, 1968, as a librarian at Ben Davis High School;*

*Whereas, Thomas currently serves as Wayne Township's Director of School/Community Services and has spent his entire career in Wayne Township;*

*Whereas, Thomas has received numerous awards in recognition of his dedication and many accomplishments in the educational field, including the Extra Mile Award (Wayne Township), the Perfect Attendance Award, the M.G. Raby "Legend" Award, and the Lorin A. Burt Outstanding Educator Award for Indiana;*

*Whereas, Throughout his career, Thomas L. Langdoc has been an eager participant and a "go-to guy" when it comes to improving public education; and*

*Whereas, Thomas L. Langdoc is greatly respected for his integrity, honesty, and commitment to the youth of Wayne Township and all the township's residents: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the many contributions and dedicated hours of service given by Thomas L. Langdoc to the people of Wayne Township. His efforts have truly made life easier and happier for everyone who has come in contact with him.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Thomas L. Langdoc, his wife Margaret (Peg), and his three daughters Lori, Amy, and Jill.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### **Senate Resolution 15**

Senate Resolution 15, introduced by Senator Delph:

A SENATE RESOLUTION to congratulate Dr. David L. Shull on his retirement from the Metropolitan School District of Wayne Township.

*Whereas, On January 16, 2009, Dr. David L. Shull retired from his post as Director of School Personnel Services with the Metropolitan School District of Wayne Township, after 41 years of tireless service;*

*Whereas, Dr. Shull began his teaching career in 1968. Dr. Shull served the children of Indiana as a teacher before moving into the administrative role of assistant principal, and also principal;*

*Whereas, Dr. Shull selflessly devoted his time and energy towards improving education for Hoosier children;*

*Whereas, Dr. Shull's exemplary efforts and accomplishments have earned Dr. Shull many awards and honors, including District 7 Middle School Principal of the Year and the District Human Relations Legacy Award; and*

*Whereas, Dr. Shull regarded education as a valuable asset. He was a true believer in the power of education and his departure leaves a void that will be difficult to fill: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates Dr. David L. Shull on his retirement from Wayne Township.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. David L. Shull.

The resolution was read in full and adopted by voice vote.

#### **Senate Resolution 14**

Senate Resolution 14, introduced by Senator Delph:

A SENATE RESOLUTION to congratulate Thomas L. Langdoc on his retirement following a successful forty-one year career with the Wayne Township School System.

*Whereas, Thomas Langdoc began his career in 1968 as a humble librarian at Ben Davis High School. Concluding an exceptional forty-one year career in Wayne Township, Thomas Langdoc is retiring from his current position as Director of School and Community Services;*

*Whereas, For his relentless struggle to ease adversity in the classroom and to overcome fierce obstacles in the way of education, Thomas Langdoc was awarded the MG Raby "Legend" Award in 2008 and will forever be regarded as a legend among educators;*

*Whereas, Thomas Langdoc was awarded the 2008 Lorin A. Burt Outstanding Educator Award sponsored by the Indiana School Board Association for his overall excellence and professional contributions to advance academic brilliance in Indiana;*

*Whereas, Thomas Langdoc was awarded the Extra Mile Award of Wayne Township on numerous occasions by students and colleagues for performing his art as an educator above and beyond the call of duty to enrich the lives of Hoosier students in a manner that has regularly proven innovative and visionary;*

*Whereas, Thomas Langdoc's impeccable record of attendance established by his unwavering commitment qualified him for numerous perfect attendance awards throughout the years;*

*Whereas, Thomas Langdoc tirelessly pursued more efficient and productive means of service to his community in his final post as Wayne Township Director of School and Community Services. Thomas served as spokesperson for Wayne Township Schools in addition to helping students understand current issues and how those issues affect them as individuals and members of society;*

*Whereas, Thomas Langdoc will retire on January 16, 2009, with plans to dedicate his time towards being a loving husband to his wife, Peg, and a caring father to their three daughters, Lori, Amy, and Jill; and*

*Whereas, Thomas Langdoc is an irreplaceable asset of Wayne Township Schools and will be greatly missed by students and administrators alike who have received the undeniable privilege of sharing in the wisdom and selflessness of a honorable public servant: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. The Indiana General Assembly recognizes Thomas Langdoc for his dedication to the students and citizens of Wayne Township and congratulates him on his outstanding achievements and retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Wayne Township School District and to Thomas and Peg Langdoc.

The resolution was read in full and adopted by voice vote.

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 6, 7, 8, and 9 and the same are herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### SENATE MOTION

Madam President: I move that Senator Landske be added as second author and Senator Mrvan be added as third author of Senate Bill 232.

GARD

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 40.

ZAKAS

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Head be removed as coauthor of Senate Bill 121.

HEAD

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 121.

BRAY

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Head be removed as coauthor of Senate Bill 122.

HEAD

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 122.

BRAY

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator M. Young be removed as third author of Senate Bill 246.

M. YOUNG

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator R. Young be added as third author of Senate Bill 246.

LAWSON

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 320.

CHARBONNEAU

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Lawson be added as second author, Senator Broden be added as third author, and Senator Skinner be added as coauthor of Senate Bill 52.

ZAKAS

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Lubbers be added as second author of Senate Bill 303.

MILLER

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 260.

KRUSE

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Miller be added as second author of Senate Bill 280.

LUBBERS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Holdman be added as coauthor of Senate Bill 27.

LUBBERS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 432.

HEAD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 446.

HEAD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 447.

HEAD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 497.

HEAD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 16.

HOLDMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 41.

ARNOLD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 222.

ARNOLD

Motion prevailed.

## SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 22, 2009.

LONG

Motion prevailed.

The Senate adjourned at 2:44 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate